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Dear BBC,

As response to a very lengthy document, this is going to be a short response – and much that we have to say may be interpreted, should you so wish as “*re-opening old issues.*” If you wish, therefore, to exclude our submission on those grounds, your loss. However, as we are talking about a point of principle, as opposed to any specific issue, it might be worth your while pausing to consider.

To begin with the official questions:

1. Are the draft Guidelines clear and straightforward? Yes. Insofar as any set of principles that span a 300-page document can be judged such. However, it seems likely that outside the BBC these guidelines will mostly be treated as reference, by individuals seeking to complain. So, if one end to these guidelines is to keep the public informed you will need a much shorter summation of them, available as, perhaps a two-page doc, or simple web page.
2. Do they set out appropriate editorial standards for those making BBC programmes and content? Yes – and no. Since these guidelines do not depart radically from what went before, but were built on them, then it is worth considering, as we do below, failures of the current guidelines. We do not think it excessive to conclude that if the enactment of guidelines leads to persistent and systemic breaches of the spirit of same, then either the guidelines fail to make their case appropriately or there is something deeper, more pernicious at work. A systemic failure when it comes to the interaction of institution and code.
3. Do they sufficiently reflect the changes in the media landscape since the last review in 2019? Sadly, we suspect the answer to this is also yes. We consider UK media generally – and broadcast media in particular – to have deteriorated in multiple significant, subtle, and unsatisfactory ways. Though this is a reflection of underlying values. The commentary below provides some greater insight into this.

Commentary on principles:

1.7 Complaints

The guidelines assert that “*The BBC is open in acknowledging mistakes when they are made and wants to learn from them.*”

As claim and guiding principle, this is admirable. Best practice complaints handling is to use them as opportunities to learn. And research consistently shows that acknowledgment of mistakes leads to enhanced customer loyalty.

However, our direct experience of engaging with the BBC complaints system is that it rather reflects the values of an older, paternalistic business model. Nits are picked to the nth degree. Objections are salami-sliced into senseless absurdity. Acknowledgement is rare and slow in coming (we are still waiting for apology for a damaging falsehood broadcast by a BBC presenter in 2017).

It is also clear that the BBC is not above gaming the system. Officially, if unsatisfied by the result of a complaint to the BBC, one may escalate it to Ofcom. However, Ofcom must first be satisfied that the complaint has been dealt with in full by the BBC. Again, without going into detail, we are currently still awaiting the result of a complaint that sits in limbo. It cannot go forward to Ofcom, because the BBC have not ruled. Yet so far it has taken almost two years for that not to happen.

So, yes. The principle advocated here is good. However, the practice is poor, and without some inclusion in the Guidelines of mechanisms designed to introduce independence and fairness to the complaints system, the guidance is worthless.

2. Impartiality

- In principle

There are two issues here. The first, we suspect, cannot be addressed. The second is problematic.

We note the statement that *“the number one priority for the BBC, renewing our commitment to impartiality, is reflected in making the Impartiality section the first main guidelines section, ahead of accuracy.”*

Bad move. This furthers a trend seen in media over the last few years of raising up ‘debate’ and ‘free speech’ as totem, as fetish that is both absolute, and unquestionable, while demoting actual facts to second place, or, in practice, last.

We see it in programming on the BBC and elsewhere; and we understand why it is so attractive. Because it is so much cheaper to bring on the talking heads, as opposed to pay real journalists and researchers to investigate ‘the truth.’

That said, the very concept of ‘two-sidesing’ sit on very shaky ground, as this series this series of blog posts from a few years ago demonstrates in some very practical says <https://armoxon.substack.com/p/both-sides-part-4-we-are-the-sides> (note: this is part 4 in the series, but contains a link to the preceding three parts).

In particular - if you are going to 'both sides' everything, you should specifically name those sides (usually people with a stake vs some professional concern-haver), and who decided what those sides are so that there is a named person to hold accountable.

We regard your definition of ‘impartiality’ as being unacceptable theoretically as well as non-functional.

Sadly, though, we acknowledge that there is little to do about this, given that we understand this reflects changes to the Royal Charter introduced in 2016.

- **In practice**

Of greater concern are the ways in which this ‘impartiality’ seems to be working out in BBC programming. In one sense, we suspect this merely reflects the following directives taken from your Guidelines:

“It means not favouring one side over another and reflecting all relevant sides of the debate. It means not taking sides, reflecting all relevant strands of public debate and challenging them with consistent rigour.” (2.1 Introduction)

And

“There is no requirement to give all views equal weight – false equivalence does not achieve impartiality and should be avoided. Minority views or those less supported by evidence, do not need to be given similar prominence or weight to those with more support, to the prevailing consensus, or to those better evidenced.” (2.2.7)

The intent here is clear and likely benign. The practice, however, has been rather less than perfect, with multiple studies showing that flagship programmes (such as Question Time) have regularly (over-)platformed particular neo-liberal ideologues (Nigel Farage is one who obviously springs to mind) while down-rating those of a more progressive stamp.

At the same time, the BBC appears to have a systemic issue – or perhaps a plumbing issue! – in that news output appears increasingly to act as conduit to output from a variety of opaquely funded right-wing ‘think tanks’ – many based in or adjacent to Tufton St.

- **Majoritarianism**

We are also more than alarmed by the suggestion that *“Minority views [...] do not need to be given similar prominence or weight to those with more support, to the prevailing consensus...”*

Really? What do you mean by that? Bear in mind that 8 of the groups identified by protected characteristics are ‘minorities’; or all 9, if you consider that men are also a minority and so, presumably, need not be given similar weight in discussions.

Not only is this debatable in itself (the ultimate irony). It also plays into majoritarian rule, which, in a closed press ecosystem with a restricted Overton window, as the UK has, can often mean being led around by the nose of majority daftness. Consider, perhaps that views on trans people (including within the BBC) have shifted since 2016 because - of growing bigotry against us, in turn driven by significant investment in anti-trans campaigns by well-funded Christian right reactionaries, and not because of any true changes in the situation.

- **Offense**

We note also the shift towards greater permissiveness for the voicing of ‘offensive views’ (2.4.2 and 2.4.16), again privileging free expression over other considerations. It is consistent with the rest; a logical next step. We are concerned, however, that this may act as green light to producers to make ‘edgy’ broadcasts, and the start of a slippery slope into the current affairs equivalent of shock jockeying.

- **Conflict of interest**

A further logical outcome of this stance is the ‘Public Expressions of Opinion’ section (2.4.14), which sets out the responsibility of staff to “*take responsibility for themselves and see in the context of their own and the BBC’s wider priority of impartiality and not just within the narrower context of their own conflicts of interest.*” This is emphasised by (4.1 Conflict of interest), which warns that:

“A potential conflict of interest arises when an individual’s behaviour and choices outside the BBC risks affecting – or may be reasonably perceived as affecting – their own and the BBC’s impartiality, independence and integrity. A potential conflict of interest also risks damaging the BBC’s brand and reputation.”

The list of areas (from social media, to charity engagement, to public speaking) sets out an almost monastic ideal, with the BBC staffer sequestered from the rest of humanity for the duration of their career at the BBC (4.4.13). In theory, this might be a good thing, were it not for the fact that this approach is again more honoured in the breach than the observance.

As in, attendance at Pride events – only recently declared ‘political’ by some within the BBC hierarchy – is deemed capable of giving rise to a conflict of interest. However, wearing a (red) poppy – which is certainly controversial to those who refuse to, or who prefer to wear the white – appears to be an explicit enforcement of a monolithic cultural and political outlook

3. Accuracy

We are pleased to see a section on Accuracy surviving within the guidelines. Our own experience, however, is that the BBC exhibits frequent lapses in this regard. The most recent occurred about a week ago when a distinguished academic came to us to argue that the content of an interview they had given had been completely butchered, to the extent it no longer represented their views – and the relevant producer refused to acknowledge in any meaningful way.

This, in turn, interacts with the Complaints System and if, as above, the latter is flawed, there is little point in complaining about ‘accuracy.’

5. Harm and Offence

We are happy to see the BBC taking this subject seriously. We are, however, puzzled as to how the BBC is able to gauge either ‘harm’ or ‘offence’ to specific minority groups without meaningful commitment to engage with those groups. Perhaps this is to be read alongside (2.2.7), whereby greater weight is given to the “*prevailing consensus.*”

6. Fairness

This section advocates fairness and the use (6.4.24) of a ‘contributor due care’ risk assessment to *“identify any significant risk of harm to the contributor or contestant, unless it is justified in the public interest not to do so.”* Admirable. However, our experience is that this is regularly over-looked in practice, with researchers recruiting for programmes putting significant pressures on vulnerable trans individuals to participate in programmes, despite refusal to do so.

9. Children and Young People as Contributors

It is positive that children and young people are to be treated with caution. We also acknowledge the pressure to align with the Ofcom code. However, there is more than a whiff, within the guidelines, of young people viewed as uniformly unselfconscious and naïve. In addition, the caveat that *“in particular persons under sixteen should not be asked for views on matters likely to be beyond their capacity to answer properly without such [parental] consent.”* (from BBC support document)

Outwardly, sensible. Although this does appear to reflect a pre-Gillick approach to young people.

Also, why stop at under-16’s? Surely, there are many matters, from bank interest rates, to the finer details of international aid where the public is both uninformed and likely incapable of understanding anything more nuanced than a tabloid headline. Would it not be consistent to apply the same standard to adults?

Or at least not to seek comment from adults without consulting THEIR parents, given that the science appears to suggest that adult brains continue to develop throughout life. So, there is no single (biological) point at which it is appropriate to divide individuals into mature/competent vs. immature/not competent.

11. Statistics, Data, Polls and Surveys

Some good principles here. Observed, again, mostly observed in breach, with our experience – and wider research – showing the BBC is more than happy to platform extreme and fringe views (once more, many originating in the vicinity of Tufton St) that fail to meet some of the most basic statistical tests – let alone the tests set here.

14. Religious Content

“The guideline on religious debate has been amended with the wording ‘contributors should not be allowed to denigrate the beliefs of others’ removed as this had the potential to stifle debate.” (14.3.1)

This is consistent with the stated aim of making ‘debate’ the gold standard of BBC output. All very consistent. However, we cannot but feel it does little to mend a very fractured society.

In sum

There are above, a number of direct issues with the principles. Overall, however, the principles as stated are mostly acceptable.

The major concern lies in the playing out of these principles. It may be argued that the enactment of principle is separate from the principle itself. Our more significant concern is that principles not backed by any significant enforcement mechanism are no more than hot air. As such, we would ask that the BBC consider the implementation of same.

Yours sincerely,

jane fae

For Trans Media Watch